

06-25-08

JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Rakowski	:	
	:	OXIDATION RESISTANT
Group Art Unit 1742	:	FERRITIC STAINLESS STEELS
	:	
Serial No. 10/654,203	:	
	:	Confirmation No. 5809
Filed September 3, 2003	:	
	:	
Examiner Jessee Roe	:	

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box: 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number: EB616632559US

Date of Deposit: June 24, 2008

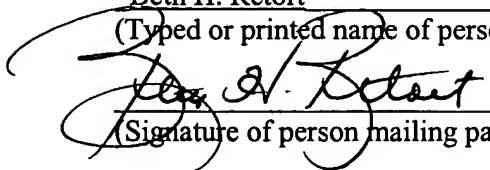
I hereby certify that the following attached paper or fee

**AMENDMENT TRANSMITTAL (In duplicate-To charge for 2 months ext. fees)**  
**RESPONSE TO OFFICE ACTION (with attachments)**  
**DECLARATION OF MICHAEL P. BRADY**

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Beth H. Retort

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(Signature of person mailing paper or fee)

(Express Mail Certificate)



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Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

☐ A statement that this filing is by a small entity is hereby asserted in accordance with the rule change effective September 8, 2000, 65 Fed. Reg. 54603.

☒ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

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Signature

Date

(type or print name of person certifying)

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136  
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 460.00	\$230.00
<input type="checkbox"/> three months	\$1,050.00	\$525.00
<input type="checkbox"/> four months	\$1,640.00	\$820.00

**Fee: \$460.00**

If an additional **extension** of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefore of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**OR**

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	22•	MINUS	98••	=0	X25=	\$0		X50=	\$0
INDEP.	3•	MINUS	13•••	= 0	X105=	\$0		X210=	\$0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+185=	\$		+370=	\$0
					TOTAL ADDIT. FEE	\$0	OR	TOTAL ADDIT. FEE	\$0

- If the entry in Col. 1 is less than entry in Col. 2, write "J" in Col. 3.
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3."  
The "Highest No. Previously Paid for" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING** "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

Complete (c) or (d), as applicable)

(c) ☐ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_

☒ Charge Account No.11-1110 the sum of \$460.00

**A duplicate of this transmittal is attached.**

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No.  
11-1110.

## AND/OR

7. ☒ If any additional fee for claims is required, charge Account No.  
11-1110.



SIGNATURE OF ATTORNEY

Reg. No.: 60,469

Tel. No.: (412) 355-6792

Customer No. 25074

Matthew Frederick

(type or print name of attorney)

Kirkpatrick & Lockhart Preston Gates Ellis LLP

P.O. Address

Henry W. Oliver Building

535 Smithfield Street

Pittsburgh, PA 15222-2312



Serial No. 10/654,203  
Attorney Docket No. RL-2000

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SIGNATURE OF ATTORNEY

Reg. No.: 60,469

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Matthew Frederick

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Serial No. 10/654,203	:	
	:	
Filed September 3, 2003	:	Confirmation No. 5809
	:	
Examiner Jessee Roe	:	

**RESPONSE TO OFFICE ACTION**

Pittsburgh, Pennsylvania 15222-2312  
June 24, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the February 22, 2008 Office Action ("the Office Action") issued in the above-referenced patent application ("the Subject Application"), Applicant submits the following claim amendments and remarks:

**A Listing of the Claims** begin on page 2; and

**Remarks** begin on page 7.

Pursuant to 37 C.F.R. 1.136(a), Applicant respectfully requests a two-month extension of the shortened statutory period for response and submits herewith the required extension fee.